

## **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

### **Status of the Claims**

Claims 24-34 are pending in this application, of which claims 24, 30 and 31 are independent. By this amendment, claims 24, 30, 31 and 35 are amended. No new matter has been introduced by this amendment.

### **Notice of Non-Compliant Amendment**

The April 2, 2008 Notice of Non-Compliant Amendment indicates that claims 24, 30 and 31 as amended in an Amendment submitted on January 3, 2008 are directed to an invention that is independent and distinct from the invention originally claimed, i.e., in view of the Restriction Requirement made to the parent case 09/212,940 (U.S. Patent No. 6,650,361).

Applicant contacted the Examiner over a telephone on April 4, 2008 discussing the issue. The Examiner indicated that our deletion of the element such as "a controller, arranged to designate the data format ..." in claim 24 in our previous amendment submitted on January 3, 2008 changes the scope of the claim because the previous office action dated October 5, 2007 already examined the claim having the same feature, i.e., having a controller, arranged to designate the data format ... , although the Examiner is confused with identifying the group numbers in the pending office action.

The Examiner also indicated that the issued claims from the parent application (i.e., 09/212,940) also belong to the same group II that recites the data format element. That is the reason that the double patenting rejection issued in the October 5, 2007 office action.

The Examiner further indicated that restoring the deleted element in the January 3, 2008 amendment (i.e., a controller, arranged to designate the data format ...) while maintaining the added elements (i.e., a shift unit, arranged to shift..., and wherein said shift unit ...) would overcome the double patenting rejection as well as the 103 rejection indicated in October 5, 2007 office action. In response, the Examiner indicated that those restoring amendment may overcome the rejections.

In response, independent claims 24, 30 and 31 have been amended reciting previously deleted element. For example, amended claim 24 recites, *inter alia*, "a controller, arranged to designate the data format and control supply of an image to the storage unit in correspondence with the detected spatial frequency characteristics." Other claims 30 and 31 recite similar features.

Accordingly, Applicant believes that amended claims 24, 30 and 31, and dependent claims 26, 35, 36 overcome the objection made in the April 2, 2008 Notice of Non-Compliant Amendment. Applicant also believes that the amended claims and dependent claims overcome the rejection under 35 U.S.C. §103, and double patenting rejection made in the October 5, 2007 Office Action for the reasons described in Applicant's January 3, 2008 Amendment.

Applicant believes that the application as amended is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

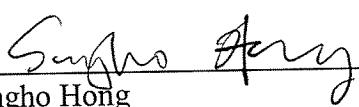
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4495US1). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: May 1, 2008

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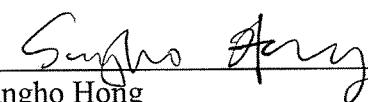
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